CERTAINE PAPERS

CONCERNING

The Earle of LINDSEY his Fennes.

In which is shewed the Committees Advice to the Owners and Commoners friendly to agree the Differences between them and the Drainers, that an Act may be passed this next Terme for the setling those Workes, so beneficiall to the Common-wealth.

With a Paper Directed to Sir *William Killigrew*, and Signed *William Hewett*.

And also an Answer to that Paper by Sir William Killigrew.

Committee for the Fens, 2 Aug. 1649.

FOrasmuch as both Parties doe desire to be satisfied the sense of the Committee at their last sitting, which was delivered verbally by me to this purpose, The Committee taking into consideration, that it was

now Harveſt time, did adjourne unto *Michaelmas* Terme, and did deſire in the mean time, that both Parties would meet and ſettle the differences amongſt themſelves, ſo as an Act may be prepared againſt the next ſitting to paſſe the Houſe: And that the Committee would move the Houſe that ſatisfaction might bee made to the Commoners for ſuch grievances as ſhall appeare to bee juſt, out of the Lands Aſſigned to the late King, The Commoners and their Counſell there preſent expreſſing that the ſaid Drayning was beneficiall to the Common wealth.

Jo. Goodwyn.

This following Paper was ſent to Sir WILLIAM KILLIGREVV.

We the Owners and Commoners in the Levell of Feps between Bourne *and* Kyme-Eae, *declare to Sir* William Killigrew, *and the reſt of the Adventurers there upon the Motion of an Agreement by the Chaireman of that Committee of Parliament before whom their Petition depends.*

THat if Wee the Owners and Commoners which have formerly Petitioned the Honourable Parliament againſt the illegall proceedings of the ſaid Adventurers, and fully proved our Petition before a Committee of Parliament, of which *William Ellis* Eſq; was Chaire-man, and hath been a long time fit for a report, may without incurring the Parliaments diſpleaſure (to whom we beare a tender reſpect, and would be loath in the leaſt manner to diſclame their Juſtice) treate with the ſaid adventures, and that

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the Parliament wil admit them undertakers, with such of the owners as desire to draine their owne land, we who are content to admit of such undertakers as the Parliament shall commend to us, will treate with them upon such tearmes as may be most profitable to the parties interessed, and for the advance of the publicke.

At a meeting at Donington Aug. 27. 1649. *I was desired by* Charles Hussey, Robert Caudron, Thomas Hall, *Esquires*, William Trollop, Mathias Browne, Samuel Jackson, *Gentlemen*, John Hardwicke, Robert Hardwick, Richard Toller, Tho. Burton, *and* Obed Cust, *to send this Paper unto you: Some Townes being absent at this meeting, and divers Owners there present, did desire me to take notice they did not consent to this Paper.*

WIL. HOWETT.

Sir WILL. KILLIGREVVS Answer in the behalfe of himselfe, and the rest of the Drayners, to the Paper hee received from Mr. HOVVET.

THat the Owners and Commoners Petition above mentioned, (which they say was fully proved at a Committee) wee say was untrue and scandalous, and in no point proved, as touching the Undertakers proceedings, which were by many Witnesses at the same Committee proved to bee just, and legall; and those proofes doe now remaine in Master *Ellis* his hands, with all the Decrees made in that businesse: And we doe further say, that the Owners and Commoners did not then, nor can now prove any of their unjust Accusations against the Drayners, nor was the cause so fully heard that Master *Ellis* can be capable to report

it, who had not any Vote or Authority from that Committee to make a Report, the said Committee being under Adjournment for some Moneths, during which Adjournment some of the Commissioners, with those that now hold up this Contest against us, did reject the Justice of the said Committee, and Parliament, by destroying the Undertakers Works, possessing themselves of their Lands, and so became their owne Judges while the cause depended: by which it appeares, that their proofes then were not such as they now pretend, or durst then trust to: Nor was Master *Ellis* then fit for a Report of the cause as now they say he is; and that Committee being now nine yeares elapsed, He is lesse fit to make a Report.

To the next part of Master *Howetts* Paper wee answer, That by the Authority of a Grand Commission of Sewers, wee are Undertakers indisputably by the knowne Lawes of the Land; and that the Parliament hath admitted us Undertakers, in their Order to this Committee; and the Committee have recommended to the Owners and Commoners, with their Counsell at the Barre, this Treaty with us the Undertakers, and Adventurers with the Earle of *Lindsey*: Which now it seemes those Owners and Commoners will not allow of, unlesse themselves may become (after the worke finished upon our particular charges) joynt undertakers with us; without which they will not treat of any Agreement; Wilfully mistaking the intent of the Committee, which was, that we should Treat of satisfaction to bee made by both Parties, for the Injuries complained of on both sides. We expected to heare of some Demands to repaire the Losses and the great Dammage by us done to the poore Commoners, by our illegall proceedings (as they say) and they give us onely a Demand that some of those who have against all Law and Equity destroyed our Workes and Possessions, should now be admitted Drayners with us; as if that would cleanse us from guilt, if we were guilty, and fully satisfie the injured Commoners, if they were injured. 'Tis indeed a very modest demand, that those our Destroyers may now be Undertakers with us, to Drain what wee have already Drayned; They have torne our Coats from our backs, and would now have a large share of our Coats to helpe us mend what they have torne; this were an excellent

President

President to incourage the like Impiety, and a pretty way to incite any multitude to robbe any man of his rightfull inheritance; for so they have used us by pulling downe our houses, by destroying the corne, and ruining those publick works.

Thirdly, to let the world see, that a few mens ingratitude, who appeare at the Committee against us, shall not have power to alter our intentions to give all iust satisfaction to the Countrey, who have beene generally misled, and mis-informed by some uncharitable guides, who hope to beare out their owne guilts by the poore Commoners innocency; We say, that if the poore Commoners doe desire our Friendship, wee will forget and forgive all our Losses, and Injuries by them done to us, as by men mis-led; (and if the generallity of the Countrey doe desire it,) wee will admit such of the Lords and Owners as they shall nominate, and the Parliament allow of to become Undertakers and Adventurers with us in our second Level not yet finished; or if they like better, we will remit unto them the whole undertaking of that Level not yet finished, so we may have a part proportionable to our Charge already expended towards that Worke, for we are willing to satisfie the Countrey any way we can. But 'twere a madnesse to speake of admitting any of them Undertakers with us in our first Level, long since Drained at our owne Charge, and all those Lands of ours, long since disposed of to such men as have payed more for the Purchase, than any of the Lords or Commoners will now repurchase them at.

Fourthly, since they doe reject the Committees advice, to Treat of an Accommodation with us the Drainers, for wrongs alledged to bee done on both sides, and doe not accept that gracious proffer of the Committee, to bestow the Kings Lands on them; We shall be humble Suters to the Committee, to become Suters to the Parliament, that those Lands may be allotted to repaire the Works for the good of the Common-wealth, and let our Lands be liable to make a just satisfaction for all the wrongs by us done to the Countrey: for our Adversaries will finde that we doe not value those Clamorous Scandalls they vent against us; And wee doe Declare, that 'tis no dread of any guilt, that moves us to imbrace a Treaty with them, but a reall desire to gaine the Countreyes Love, that wee may live like Christians together; which

some men for their own guilts doe hinder others for private ends, and their particular profit doe oppose. For when those Papers, and those Decrees in Master *Ellis* his hands shall bee delivered into the Committee, our Adversaries Ingratitude and Impudence will blush for calling us Projectors, and Oppressors of the Poore; By which Papers wee say it will appeare, that we are as innocent from the first guilt, as they alone guilty of the last: Who doe eate out the poore Commoners with their great Stocks, and doe now gather the poore mens money to maintaine their owne oppressions on them, to the discontent of the major part of the Commoners, who say they dare not complaine for feare of more and more oppression from their rich Neighbours, who doe make them pay equall charge for repairing and maintaining the Drains, though they have no benefit by the Commons, as will be shortly proved: And no doubt the poore Commoners will bee relieved, when their Cause is knowne in Parliament, and their Commons bee stinted for the future benefit of the poore, in case they do desire it.

Fiftly, lest some of our Adversaries doe not know, and others have forgotten upon what termes wee became Undertakers, 'tis thought fit we put them in minde, that in Master *Ellis* his hands doth remaine the Countreyes first invitation to the Earle of *Lindsey* undertaking this worke; which cleares the Earle from being a Projector as they alledge.

Sixtly, It will also appeare by the Records of Sewers in Master *Ellis* his hands, that this Contract for the Drayning was above three yeares in agitation after the Tax of 13 s. 4 d. was laid on the Fennes, by 35 Commissioners, the prime Gentlemen of that Countrey; for 'twas three yeares after this taxing, that the bargaine was compleated with the Earle by 32 Commissioners, and this done with the generall applause of a great assembly of Commoners then present, who wrought in the said workes above two yeares, and were enriched by our moneyes; and in all this time, no word of any dislike to the Earls undertaking; which shewes that the people were not displeased with the Drainng, nor did then thinke it a Project.

Seventhly, it will appeare by the writings with Master *Ellis*, that Sir *John Brooke*, since Lord *Cobham*, and Sir *Edward Heron*,

did

did become purchasers of their owne Bennes, at forty shillings the acre, which was the price offered by the Earle to the whole Country, though Master *William Langton*, with the two before named, did onely value those lands, in those dayes so much worth, by reason of the charge, and hazzard in Draining; and by the Dates of their Bills of Adventure, it will appeare they became Adventurers five yeares after the first Tax, and above two yeare after the Contract was made with the Earle; so they could not be parties interessed, and Judges at making the Contract for the Drayning, as our Adversaries doe maliciously averre against their owne Consciences. Thus clearely we can confute all the rest of their Clamours against us; and so doing, we have no doubt but the Parliament having lately setled *Bedford* Levell by an Act, which is a worke yet to doe, they will also settle *Lindsey* Levell, which is a worke done; and the best worke of that kinde that was ever yet done in this Land; all the Earles proceedings in the worke being after the Example of former Drainings [illegible] ged, and setled by former Parliaments; and the same with the Earle of *Bedfords*, which is by all past Parliaments, and by this Parliament, allowed to bee greatly beneficiall to the Common-wealth: hoping also that the Parliament in their Wisedomes will not permit our Adversaries (by giving us the Title of Delinquents) to eclipse our good deserving in the Undertaking, and accomplishing so great and beneficiall a Worke for the Common-wealth, as wee have done by this Drayning: and also will take into Consideration, that the Profits of our Lands for these last nine yeares ought to have been sequestred to the use of the State, and not imbeseled to the particular Interests of a few rich men; and also will looke on us with equall favour; because after our Compositions made, and upon our good behaviour since, all occasion of that advantage to call us Delinquents, is clearely taken off. We doe therefore Declare to our Adversaries, who reject a Treaty with us, that we do wholly rely on our just cause, and the Justice of the Parliament, to restore us, and repare us, that have done the Common-wealth so great a Service by this Drayning. Yet notwithstanding all the asperity that has passed between us and some of the Owners and Commoners, wee are

still

S.r Wm. Killigrew

full so well-affected to them, that if all the Lords, Owners, and Commoners shall thinke fit to meet us with the like Affection, and come to a friendly Agreement with us, before the next day of Hearing, wee will give them full satisfaction for any Injuries we have done them, and will forgive them all Injuries by them done to us: and will remit unto them all the Meliorations we are to have out of their severalls, which is like to bee a fifth part of our Contract, and our right, beyond Contradiction. And we thinke this a sufficient expression of out Affection to the Countrey, who know no guilt to make us dread their displeasure, and yet doe seek to purchase their loves at so deare a rate.

WILL. KILLIGREVV.

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CERTAINE PAPERS

CONCERNING

The Earle of LINDSEY his Fennes.

In which is ſhewed the Committees Advice to the Owners and Commoners friendly to agree the Differences between them and the Drainers, that an Act may be paſſed this next Terme for the ſetling thoſe Workes, ſo beneficiall to the Common-wealth.

With a Paper Directed to Sir *William Killigrew*, and Signed *William Howett*.

And alſo an Anſwer to that Paper by Sir William Killigrew.

C. 2240.

Committee for the Fens, 2 Aug. 1649.

FOraſmuch as both Parties doe deſire to be ſatisfied the ſenſe of the Committee at their laſt ſitting, which was delivered verbally by me to this purpoſe, the Committee taking into conſideration, that it was

now Harveſt time, did adjourne unto *Michaelmas* Term and did deſire in the mean time, that both Parties would meet and ſettle the differences amongſt themſelves, ſo an Act may be prepared againſt the next ſitting to paſſ the Houſe: And that the Committee would move th Houſe that ſatisfaction might bee made to the Commo ners for ſuch grievances as ſhall appeare to bee juſt out of the Lands Aſſigned to the late King, The Com moners and their Counſell there preſent expreſſing that the ſaid Drayning was beneficiall to the Common wealth.

Io. Goodwyn.

This following Paper was ſent to Sir WILLIAM KILLIGREVV.

We the Owners and Commoners in the Levell of Fens betwee Bourne *and* Kyme-Eae, *declare to Sir* William Killigrew, *and the reſt of the Adventurers there upo the Motion of an Agreement by the Chaireman o that Committee of Parliament before whom their Pe tition depends.*

THat if Wee the Owners and Commoners which have for merly Petitioned the Honourable Parliament againſt the ille gall proceedings of the ſaid Adventurers, and fully proved ou Petition before a Committee of Parliament, of which *William El* Eſq; was Chaire-man, and hath been a long time fit for a repor may without incurring the Parliaments diſpleaſure (to whom w beare a tender reſpect, and would be loath in the leaſt manner o diſclame their Juſtice) treate with the ſaid adventures, and th

the Parliament wil admit them undertakers, with ſuch of the owners as deſire to draine their owne land, we who are content to admit of ſuch undertakers as the Parliament ſhall commend to us, will treate with them upon ſuch tearmes as may be moſt profitable to the parties intereſſed, and for the advance of the publicke.

At a meeting at Donington Aug. 27. 1649. *I was deſired by* Charles Huſſey, Robert Caudron, Thomas Hall, *Eſquires*, William Trollop, Mathias Browne, Samuel Jackſon, *Gentlemen*, John Hardwicke, Robert Hardwick, Richard Toller, Tho. Burton, *and* Obed Cuſt, *to ſend this Paper unto you: Some Townes being abſent at this meeting, and divers Owners there preſent, did deſire me to take notice they did not conſent to this Paper.*

WIL. HOWETT.

Sir WILL. KILLIGREVVS Anſwer in the behalfe of himſelfe, and the reſt of the Drayners, to the Paper hee received from Mr. HOVVET.

THat the Owners and Commoners Petition above mentioned, (which they ſay was fully proved at a Committee) wee ſay was untrue and ſcandalous, and in no point proved, as touching the Undertakers proceedings, which were by many Witneſſes at the ſame Committee proved to bee juſt, and legall; and thoſe proofes doe now remaine in Maſter *Ellis* his hands, with all the Decrees made in that buſineſſe: And we doe further ſay, that the Owners and Commoners did not then, nor can now prove any of their unjuſt Accuſations againſt the Drayners, nor was the cauſe ſo fully heard that Maſter *Ellis* can be capable to report

it, who had not any Vote or Authority from that Committee to make a Report, the ſaid Committee being under Adjournment for ſome Moneths, during which Adjournment ſome of the Commoners, with thoſe that now hold up this Conteſt againſt us, did reject the Juſtice of the ſaid Committee, and Parliament, by deſtroying the Undertakers Works, poſſeſſing themſelves of their Lands, and ſo became their owne Judges while the cauſe depended: by which it appeares, that their proofes then were not ſuch as they now pretend, or durſt then truſt to: [illegible] was Maſter Bill then fit for a Report of the cauſe as now they ſay he is; and the Committee being now nine yeares elapſed, He is leſſe fit to make a Report.

To the next part of Maſter *Howetts* Paper wee anſwer, That by the Authority of a Grand Commiſſion of Sewers, wee are Undertakers indiſputably by the knowne Lawes of the Land, and that the Parliament hath admitted us Undertakers, in their Order to this Committee; and the Committee have recommended to the Owners and Commoners, with their Counſell at the Barre, this Treaty with us the Undertakers, and Adventurers with the Earle of *Lindſey*: Which now it ſeemes thoſe Owners and Commoners will not allow of, unleſſe themſelves may become (after the worke finiſhed upon our particular charges) joynt undertakers with us; without which they will not treat of any Agreement; Wilfully miſtaking the intent of the Committee, which was, that we ſhould Treat of ſatisfaction to bee made by both Parties, for the Injuries complained of on both ſides. We expected to heare of ſome Demands to repaire the Loſſes and the great Dammage by us done to the poore Commoners, by our illegall proceedings (as they ſay) and they give us onely a Demand that ſome of thoſe who have againſt all Law and Equity deſtroyed our Workes and Poſſeſſions, ſhould now be admitted Drayners with us; as if that would cleanſe us from guilt, if we were guilty, and fully ſatisfie the injured Commoners, if they were injured. 'Tis indeed a very modeſt demand, that thoſe our Deſtroyers may now be Undertakers with us, to Drain what wee have already Drayned; They have torne our Coates from our backs, and would now have a large ſhare of our Coates to helpe us mend what they have torne; this were an excellent

Preſidence

Prefident to incourage the like Impiety, and a pretty way to incite any multitude to robbe any man of his rightfull inheritance: for ſo they have uſed us by pulling downe our houſes, by deſtroying the corne, and ruining thoſe publick works.

Thirdly, to let the world ſee, that a few mens ingratitnde, who appeare at the Committee againſt us, ſhall not have power to alter our intentions to give all juſt ſatisfaction to the Countrey, who have beene generally miſled, and miſ-informed by ſome uncharitable guides, who hope to beare out their owne guilts by the poore Commoners innocency; We ſay, that if the poore Commoners doe deſire our Friendſhip, wee will forget and forgive all our Loſſes, and Injuries by them done to us, as by men miſ-led; (and if the generallity of the Countrey doe deſire it,) wee will admit ſuch of the Lords and Owners as they ſhall nominate, and the Parliament allow of, to become Undertakers, and Adventurers with us in our ſecond Levell not yet finiſhed; or if they like better, we will remit unto them the whole undertaking of that Levell not yet finiſhed, ſo we may have a part proportionable to our Charge already expended towards that Worke, for we are willing to ſatisfie the Countrey any way we can. But 'twere a madneſſe to ſpeake of admitting any of them Undertakers with us in our firſt Levell, long ſince Drained at our owne Charge, and all thoſe Lands of ours, long ſince diſpoſed of to ſuch men as have payed more for the Purchaſe, than any of the Lords or Commoners will now repurchaſe them at.

Fourthly, ſince they doe reject the Committees advice, to Treat of an Accommodation with us the Drainers, for wrongs alledged to bee done on both ſides, and doe not accept that gracious proffer of the Committee, to beſtow the Kings Lands on them; We ſhall be humble Sutors to the Committee, to become Sutors to the Parliament, that thoſe Lands may be allotted to repaire the Works for the good of the Common-wealth; and let our Lands be liable to make a juſt ſatisfaction for all the wrongs by us done to the Countrey: for our Adverſaries will finde that we doe not value thoſe Clamorous Scandalls they vent againſt us; And wee doe Declare, that 'tis no dread of any guilt, that moves us to imbrace a Treaty with them, but a reall deſire to gaine the Countreyes Love, that wee may live like Chriſtians together; which

ſome men for their own guilts doe hinder, others for private ends, and their particular profit doe oppoſe. For when thoſe Papers, and thoſe Decrees in Maſter *Ellis* his hands ſhall bee delivered into the Committee, our Adverſaries Ingratitude and Impudence will bluſh for calling us Projectors, and Oppreſſors of the Poore. By which Papers wee ſay it will appeare, that we are as innocent from the firſt guilt, as they alone guilty of the laſt: Who doe eate out the poore Commoners with their great Stocks; and doe now gather the poore mens money to maintaine their owne oppreſſions on them, to the diſcontent of the major part of the Commoners, who ſay they dare not complaine for feare of more and more oppreſſion from their rich Neighbours, who doe make them pay equall charge for repairing and maintaining the Drains, though they have no benefit by the Commons, as will be ſhortly proved: And no doubt the poore Commoners will bee relieved, when their Cauſe is knowne in Parliament, and their Commons bee ſtinted for the future benefit of the poore, in caſe they do deſire it.

Fiftly, leſt ſome of our Adverſaries doe not know, and others have forgotten upon what tearms wee became Undertakers, 'tis thought fit we put them in minde, that in Maſter *Ellis* his hands doth remaine the Countreyes firſt invitation to the Earle of *Lindſeyes* undertaking this worke; which cleares the Earle from being a Projector as they alledge.

Sixtly, It will alſo appeare by the Records of Sewers in Maſter *Ellis* his hands, that this Contract for the Drayning was above three yeares in agitation after the Tax of 13 s. 4 d. was laid on the Fennes, by 35 Commiſſioners, the prime Gentlemen of that Countrey; for 'twas three yeares after this taxing, that the bargaine was compleated with the Earle by 32 Commiſſioners, and this done with the generall applauſe of a great aſſembly of Commoners then preſent, who wrought in the ſaid workes above two yeares, and were enriched by our moneyes; and in all this time, no word of any diſlike to the Earls undertaking; which ſhewes that the people were not diſpleaſed with the Drayning, nor did then thinke it a Project.

Seventhly, it will appeare by the writings with Maſter *Ellis*, that Sir *John Brooke*, ſince Lord *Cobham*, and Sir *Edward Herr*, did

did become purchasers of their owne Fennes, at forty shillings the acre, which was the price offered by the Earle to the whole Country, though Master *William Langton*, with them two before named, did onely value those lands, in those dayes so much worth, by reason of the charge, and hazzard in Draining; and by the Dates of their Bills of Adventure, it will appeare they became Adventurers five yeares after their first Tax, and above two years after the Contract was made with the Earle; so they could not be parties interessed, and Judges at making the Contract for the Drayning, as our Adversaries doe maliciously averre against their owne Consciences. Thus clearely we can confute all the rest of their Clamours against us; and so doing, we have no doubt but the Parliament having lately setled *Bedford* Levell by an Act, which is a worke yet to doe, they will also settle *Lindsey* Levell, which is a worke done; and the best worke of that kinde that was ever yet done in this Land; all the Earles proceedings in the worke being after the Example of former Drainings heretofore incouraged, and setled by former Parliaments; and the same with the Earle of *Bedfords*, which is by all past Parliaments, and by this Parliament, allowed to bee greatly beneficiall to the Common-wealth: hoping [illegible] that the Parliament in their Wisedomes will not permit our Adversaries (by giving us the Title of Delinquents) to eclipse our good deserving in the Undertaking, and accomplishing so great and beneficiall a Worke for the Common-wealth, as wee have done by this Drayning: and also will take into Consid[illegible] that the Profits of our Lands for these last nine yeare[illegible] have been sequestred to the use of the State, and not im[illegible] to the particular Interests of a few rich men; and also will looke on us with equall favour; because after our Compositions made, and upon our good behaviour since, all occasion of that advantage to call us Delinquents, is clearely taken off. We doe therefore Declare to our Adversaries, who reject a Treaty with us, that we do wholly rely on our just cause, and the Justice of the Parliament, to restore us, and repare us, that have done the Common-wealth so great a Service by this Drayning. Yet notwithstanding all the asperity that has passed between us and some of the Owners and Commoners, wee are

still

ſtill ſo well affected to them, that if all the Lords, Owners, and Commoners ſhall thinke fit to meet us with the like Affection, and come to a friendly Agreement with us, before the next day of Hearing, wee will give them full ſatisfaction for any Injuries we have done them, and will forgive them all Injuries by them done to us: and will remit unto them all the Melioration we are to have out of their ſeveralls, which is like to bee a fifth part of our Contract, and our right, beyond Contradiction. And we thinke this a ſufficient expreſſion of our Affection to the Countrey, who know no guilt to make us dread their diſpleaſure, and yet doe ſeek to purchaſe their loves at ſo deare a rate.

London Printed
29. 1649

WILD[illegible]LIGREVV.

~~Peterburrow, the last of Aug. 1649.~~

FINIS.

MVSEVM BRITANNICVM